

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §  
§  
*Plaintiff*, §  
§  
v. § CASE NO. 7:19-CV-250  
§  
72.260 ACRES OF LAND, MORE OR §  
LESS, SITUATE IN HIDALGO COUNTY, §  
STATE OF TEXAS; AND FRIENDS OF §  
WILDLIFE CORRIDOR, A TEXAS §  
NONPROFIT CORPORATION, §  
§  
*Defendants.* §

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**COMPLAINT IN CONDEMNATION**

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1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

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# **SCHEDULE**

# **A**

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# **SCHEDULE**

# **B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# **SCHEDULE**

# **C**

**SCHEDULE C**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-1215

Owner: Friends of the Wildlife Corridor, a Texas Nonprofit Corporation

Acres: 72.260

As Identified in the Warranty Deed, Document 2011-2263808, recorded December 9, 2011 in the deed records of Hidalgo County:

A TRACT OF LAND CONTAINING 72.26 ACRES, MORE OR LESS BEING THAT PART OF THE WEST 1/2 OF PORCION 45 LYING SOUTH OF MISSOURI PACIFIC RAILROAD RIGHT OF WAY, NORTH OF U. S. FISH AND WILDLIFE SERVICE 700.501 ACRE SURVEY NO. 434, TOGETHER WITH A STRIP OF LAND OUT OF THE WEST 1/2 OF THE EAST 1/2 OF SAID PORCION 45 AND BEING OUT OF LOTS 48 AND 49 OF THE RESURVEY AND SUBDIVISION OF PORCION 45, ALSO KNOWN AS THE J. E. VAN RIPER SURVEY, HIDALGO COUNTY, TEXAS AS PER MAP OR PLAT THEREOF RECORDED IN VOL. 0 PG. 8 & 9 MAP RECORDS, HIDALGO COUNTY TEXAS. SAID TRACT BEING OUT OF A 80.68 AC. TRACT, A 52.53 AC. TRACT AND A 79.84 AC. TRACT, MORE OR LESS, WHICH WERE CONVEYED TO CROW GRAVEL COMPANY IN WARRANTY DEED DATED JANUARY 31, 1971, RECORDED IN VOLUME 1358, PG. 530, DEED RECORDS HIDALGO COUNTY TEXAS.

BEGINNING at an iron rod w/MF cap set at the intersection of the west line of Porcion 45 with the South right of way line of 100 foot Missouri Pacific Railroad right of way, for the Northwest corner of the following described tract of land;

THENCE, with the South line of said Missouri Pacific Railroad right of way, South 66 Deg. 14 Min. 53 Sec. East, 2595.29 feet to an iron rod with MF cap set, for an angle point in the North line hereof;

THENCE, continuing with the South line Missouri Pacific Rail Road right of way, South 66 Deg. 48 Min. 07, Sec. East, 67.64 feet to an iron rod w/MF cap set iron at the Northwest corner of a 1.0 acre tract of land previously conveyed by deed Doc. No. 204292, for the most Westerly Northeast corner hereof;

THENCE, with the West line of said 1.0 acre tract, South 09 Deg. 05 Min. 27 Sec. West (deed South 9 Deg. 06 Min. 21 Sec. West), at 215.74 feet pass an iron rod on the North line of Old Military Road and at 246.21 feet to a PK nail set at the Southwest corner of said 1.0 acre, tract for an interior corner hereof;

THENCE, with the South line of said 1.0 acre tract, in 60 foot Old Military road, South 79 Deg. 00 Min. 03 Sec East, 194.17 feet to an iron rod found at the Southeast corner of the 1.0 acre tract, for the most Easterly Northeast corner hereof, said point located on a west line U. S. Fish And Wildlife Survey, Tract No. 434;

THENCE, with the East line of the West ½ of the East ½ of Porcion 45 and West line of said U.S. Fish and Wildlife Survey No. 434, South 09 Deg. 05 Min. 27 Sec. West (deed South 9 Deg. 06 Min 24 Sec West), 30.94 feet to a found rod at U.S. Fish and Wildlife monument No. 49, for the most Easterly Southeast corner hereof;

THENCE, with a North line of said U.S. Fish and Wildlife tract No.434, North 80 Deg. 54 Min 33 Sec. West (North 80 Deg. 53 Min. 36 Sec. West Map) 300.0 feet to found corner monument No. 48, U.S. Fish and Wildlife Service tract No.434, for an angle point in the most Easterly South line hereof;

THENCE, continue with a North line of U.S. Fish and Wildlife Survey tract No. 434, North 65 Deg. 54 Min. 33 Sec. West (map, North 65 Deg. 53 Min. 36 Sec. West) 645.48 feet to a found corner monument No. 47 of said U.S. Fish and Wildlife tract No. 434, for an interior corner hereof;

THENCE, with a West line of U.S. Fish and Wildlife Service tract No. 434, South 09 Deg. 05 Min. 27 Sec. West (map, South 09 Deg. 06 Min. 24 Sec. West) 1194.64 feet to a found corner monument No. 46 of said U.S. Fish and Wildlife Service Survey# 434, for the middle Southeast corner hereof;

THENCE, with a North line of the U.S. Fish and Wildlife Survey, North 80 Deg. 55 Min. 44 Sec. West (map, North 80 Deg. 54 Min. 47 Sec. West) 923.48 feet to a found corner monument no. 45 U. S. Fish and Wildlife Service tract no. 434 , for the most Easterly Southwest corner hereof;

THENCE, with an East line of said U.S. Fish and Wildlife Service Tract #434 and East line of the West ½ of the West ½ of Porcion 45, North 09 Deg. 05 Min. 27 Sec. East (map, North 9 Deg. 06 Min. 24 Sec. East), 427.55 feet to a found ½ pipe at a Northeast corner of said U.S. Fish and Wildlife Service tract No. 44, for an interior corner hereof;

THENCE, with the most Westerly North line of the U.S. Fish and Wildlife Service tract no.434, South 86 Deg. 53 Min. 42 Sec. West (map, South 86 Deg. 54 Min. 39 Sec. West), 944.80 feet to a found corner monument no. 43 at the Northwest corner of tract No. 434, for the Southwest corner hereof, said point located on the West line of Porcion No. 45;

THENCE, with the West line of Porcion 45, North 09 Deg. 05 Min. 27 Sec. East (map, North 09 Deg. 06 Min. 24 Sec. East), 1756.88 feet, the POINT OF BEGINNING containing 72.26 Acres of land more or less, of which 1.46 Acre lies in old Military Road (status unknown).

# **SCHEDULE**

# **D**

**SCHEDULE D**

**MAP or PLAT**

**Border Infrastructure Project- MCS-1200s**



**LAND TO BE CONDEMNED**

Tract: RGV-MCS-1215

Owner: Friends of the Wildlife Corridor, a Texas Nonprofit Corporation

Acreage: 72.260

\* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed tract outlined in red on the map above.

# **SCHEDULE**

# **E**

SCHEDULE E

ESTATE TAKEN

Hidalgo County, Texas

Tract: RGV-MCS-1215

Owner: Friends of the Wildlife Corridor, a Texas Nonprofit Corporation

Acres: 72.260

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

# **SCHEDULE**

# **F**

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

# **SCHEDULE**

# **G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
<b>Friends of the Wildlife Corridor, a Texas Nonprofit Corporation</b> [REDACTED] Alamo, TX 78516	Warranty Deed, Document 2011-2263808, recorded December 9, 2011 in the deed records of Hidalgo County
c/o Sharon Slagle, Registered Agent [REDACTED] Alamo, TX 78516	Texas Secretary of State, Business Organizations Inquiry, Filing Number 147052701

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): \_\_\_\_\_

## VI. CAUSE OF ACTION

Brief description of cause: \_\_\_\_\_

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions): \_\_\_\_\_

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_